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Attorneys for James Frommer

**UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA**

James Frommer,  <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p style="text-align: center;">Asset Acceptance, LLC,</p> <p style="text-align: center;">Defendant.</p>	<b>Case No: <u>'14CV0142 WQHWVG</u></b>  <b>Complaint For Damages</b>  <b>Jury Trial Demanded</b>
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**INTRODUCTION**

- The United States Congress has found abundant evidence of the use of abusive, deceptive, and unfair debt collection practices by many debt collectors, and has determined that abusive debt collection practices contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs, and to invasions of individual privacy. Congress wrote the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. (hereinafter “FDCPA”), to eliminate abusive debt collection practices by debt collectors, to insure that those debt collectors who refrain from using abusive debt

HYDE & SWIGART  
 San Diego, California

1 collection practices are not competitively disadvantaged, and to promote  
2 consistent State action to protect consumers against debt collection abuses.

3 2. The California legislature has determined that the banking and credit system  
4 and grantors of credit to consumers are dependent upon the collection of just  
5 and owing debts and that unfair or deceptive collection practices undermine  
6 the public confidence that is essential to the continued functioning of the  
7 banking and credit system and sound extensions of credit to consumers. The  
8 Legislature has further determined that there is a need to ensure that debt  
9 collectors exercise this responsibility with fairness, honesty and due regard  
10 for the debtor's rights and that debt collectors must be prohibited from  
11 engaging in unfair or deceptive acts or practices.

12 3. The FDCPA broadly prohibits unfair or unconscionable collection methods;  
13 conduct which harasses, oppresses or abuses any debtor; and any false,  
14 deceptive or misleading statements, in connection with the collection of a  
15 debt; it also requires debt collectors give debtors certain information. *15*  
16 *U.S.C §§1692d, 1692e, 1692f, and 1692g.*

17 4. James Frommer, (Plaintiff), through Plaintiff's attorneys, brings this action to  
18 challenge the actions of Asset Acceptance, LLC, ("Defendant"), with regard  
19 to attempts by Defendant to unlawfully and abusively collect a debt allegedly  
20 owed by Plaintiff, and this conduct caused Plaintiff damages.

21 5. Plaintiff makes these allegations on information and belief, with the exception  
22 of those allegations that pertain to a plaintiff, or to a plaintiff's counsel, which  
23 Plaintiff alleges on personal knowledge.

24 6. While many violations are described below with specificity, this Complaint  
25 alleges violations of the statutes cited in their entirety.

26 7. Unless otherwise stated, all the conduct engaged in by Defendant took place  
27 in California.

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1 8. Any violations by Defendant were knowing, willful, and intentional, and  
2 Defendant did not maintain procedures reasonably adapted to avoid any such  
3 violation.

#### 4 JURISDICTION AND VENUE

5 9. Jurisdiction of this Court arises pursuant to 28 U.S.C. § 1331, 15 U.S.C. §  
6 1692(k), and 28 U.S.C. § 1367 for supplemental state claims.

7 10. This action arises out of Defendant's violations of the Fair Debt Collection  
8 Practices Act, 15 U.S.C. §§ 1692 et seq. ("FDCPA") and the Rosenthal Fair  
9 Debt Collection Practices Act, California Civil Code §§ 1788-1788.32  
10 ("Rosenthal Act").

11 11. Plaintiff is a natural person who resides in the City of San Diego, State of  
12 California.

13 12. Defendants attempted to collect an alleged debt from Plaintiff by mailing a  
14 collection letter to Plaintiff's residence in San Diego, California. This letter  
15 was in violation of the FDCPA and Rosenthal Act.

16 13. Because this letter mailed to Plaintiff at his San Diego address is a substantial  
17 part of the events giving rise to the claim, venue is proper pursuant to 28  
18 U.S.C. § 1391(b)(2).

19 14. Further, at all times relevant, Defendant conducted business within the  
20 County of San Diego, the State of California.

21 15. Defendant regularly operates within the county of San Diego and files  
22 hundreds of lawsuits within San Diego county.

23 16. Because Defendant does business and has the capacity to sue within the  
24 County of San Diego and State of California, personal jurisdiction is  
25 established and venue is proper pursuant to 28 U.S.C. § 1391(b)(1) & (c)(2).

#### 26 PARTIES

27 17. Plaintiff is a natural person who resides in the City of San Diego, State of  
28 California.

18. Defendant is located in the City of Warren, in the State of Michigan.
19. Plaintiff is obligated or allegedly obligated to pay a debt, and is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).
20. Defendant is a person who uses an instrumentality of interstate commerce or the mails in a business the principal purpose of which is the collection of debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is therefore a debt collector as that phrase is defined by 15 U.S.C. § 1692a(6).
21. Plaintiff is a natural person from whom a debt collector sought to collect a consumer debt which was due and owing or alleged to be due and owing from Plaintiff, and is a “debtor” as that term is defined by California Civil Code § 1788.2(h).
22. Defendant, in the ordinary course of business, regularly, on behalf of himself, herself, or others, engages in debt collection as that term is defined by California Civil Code § 1788.2(b), is therefore a debt collector as that term is defined by California Civil Code § 1788.2(c).
23. This case involves money, property or their equivalent, due or owing or alleged to be due or owing from a natural person by reason of a consumer credit transaction. As such, this action arises out of a consumer debt and “consumer credit” as those terms are defined by Cal. Civ. Code § 1788.2(f).

#### **PRIVACY PROTECTIONS IN THE FDCPA AND THE ROSENTHAL ACT**

24. The FDCPA contains a number of provisions that prevent debt collectors from informing third parties that a given individual allegedly owes a debt. “[T]he FDCPA generally protects the consumer's privacy by limiting debt collector communications about personal affairs to third parties ...” *FTC Official Staff Commentary on the Fair Debt Collection Practices Act*, 53 Fed. Reg. 50097 (Dec. 13, 1988), at 50103.

25. 15 U.S.C. § 1692c(b) contains a general prohibition against debt collectors communicating with third parties:

(b) Communication with third parties

Except as provided in section 1692b of this title, without the prior consent of the consumer given directly to the debt collector, or the express permission of a court of competent jurisdiction, or as reasonably necessary to effectuate a postjudgment judicial remedy, a debt collector may not communicate, in connection with the collection of any debt, with any person other than the consumer, his attorney, a consumer reporting agency if otherwise permitted by law, the creditor, the attorney of the creditor, or the attorney of the debt collector.

Section 1692b, which discusses the restrictions on the acquisition of location information on a consumer, is not applicable here.

26. 15 U.S.C. § 1692d(3) and (4) define as "harassment" and a violation of the FDCPA "[t]he publication of a list of consumers who allegedly refuse to pay debts, except to a consumer reporting agency or to persons meeting the requirements of section 1681a(f) or 1681b(3) of this title" and the "advertisement for sale of any debt to coerce payment of the debt."

Section 1681a(f) is the Fair Credit Reporting Act definition of consumer reporting agency. Section 1681b(3) is a Fair Credit Reporting Act provision dealing with use of consumer reports. The Federal Trade Commission has interpreted these provisions to bar publication to one or more persons: "Debt collectors may not exchange lists of consumers who allegedly refuse to pay their debts ... a debt collector may not distribute a list of alleged debtors to its creditor subscribers." *FTC Official Staff Commentary on the Fair Debt Collection Practices Act*, 53 *Fed. Reg.* 50097 (Dec. 13, 1988), at 50105.

27. The relevant portions of 15 U.S.C. § 1692e provide that:

**§ 1692e. False or misleading representations [FDCPA § 807]**

A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. Without limiting the general application of the foregoing, the following conduct is a violation of this section:

[...]

(5) The threat to take any action that cannot legally be taken or that is not intended to be taken.

[...]

(10) The use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

#### FACTUAL ALLEGATIONS

28. Sometime before November 1, 2013, Plaintiff is alleged to have incurred certain financial obligations.
29. These financial obligations were primarily for personal, family or household purposes and are therefore a “debt” as that term is defined by 15 U.S.C. §1692a(5).
30. These alleged obligations were money, property, or their equivalent, which is due or owing, or alleged to be due or owing, from a natural person to another person and are therefore a “debt” as that term is defined by California Civil Code §1788.2(d), and a “consumer debt” as that term is defined by California Civil Code §1788.2(f).
31. Sometime thereafter, but before November 1, 2013, Plaintiff allegedly fell behind in the payments allegedly owed on the alleged debt. Plaintiff currently takes no position as to the validity of this alleged debt.
32. Subsequently, but before November 1, 2013, the alleged debt was assigned, placed, or otherwise transferred, to Defendant for collection.

33. On or about November 1, 2013, Defendant mailed a dunning letter to Plaintiff. A few days later, Plaintiff received that letter.

34. This communication to Plaintiff was a “communication” as that term is defined by 15 U.S.C. § 1692a(2), and an “initial communication” consistent with 15 U.S.C. § 1692g(a).

35. This communication was a “debt collection” as Cal. Civ. Code 1788.2(b) defines that phrase, and an “initial communication” consistent with Cal. Civ. Code § 1812.700(b).

36. This November 1, 2013 letter was sent in an attempt to negotiate and collect payment from Plaintiff on this alleged debt.

37. On the backside of the letter was information provided by Defendant regarding Plaintiff’s privacy rights.

38. The notice on the backside purported to be given in compliance with the Gramm-Leach-Bliley Act, 15 U.S.C. §6801-6810.

39. The notice then explains that all information gathered and held by Defendant is kept safe through physical and electronic safeguards.

40. Next the notice lists information that Defendant might gather:

COLLECTING INFORMATION. We obtain Customer information about you as permitted by law from : applications or other forms you have filled out, your transactions with us, prior owners of your account, our affiliates, or others; and consumer reports (including credit reports). This information includes your name, your address, your social security number, you current and former employers, your payment history and your account balances.

41. Just below, Defendant accurately states the following:

USING INFORMATION IN CONNECTION WITH THE COLLECTION OF DEBT. If we want to use any of the Customer Information we have obtained about you in connection with the collection of debt we can only communicate that information with your express permission, or



with the express permission of a court, or to you, your attorney, the creditor to whom you owe the debt, that creditor's attorney, our own attorney, or as otherwise permitted by the federal Fair Debt Collection Practices Act, 15 U.S.C 1692 et seq and Fair Credit Reporting Act, 15 U.S.C. 1681 et seq. YOU DO NOT HAVE TO DO ANYTHING IN ORDER TO LIMIT OUR USE AND SHARING OF YOUR CUSTOMER INFORMATION IN CONNECTION WITH THE COLLECTION OF DEBT.

42. However, Defendant then overshadows its previous statement by stating the following:

USING INFORMATION FOR OTHER PURPOSES AS PERMITTED BY LAW. If we want to use or share any of the Customer Information we have obtained about you for some purpose other than that collection of debt, we can share that information as permitted by the following laws.

The Gramm-Leach-Bliley Act allows us to share Customer information with on-affiliated third parties in certain circumstances such as with companies that provide services to us or that help us administer your account, in connection with the sale of our business assets, and if the sharing is necessary for us to be in compliance with law.

The Fair Credit Reporting Act allows us to share certain information other than credit report information with debt purchasers affiliated with us.

The Fair Debt Collection Practices Act allows financial institutions and other businesses to share basic information concerning individual's location with each other for limited purposes ("skip-tracing"), and Asset Acceptance, LLC initiates and responds to skip tracing requests as permitted by law.

43. To the least sophisticated consumer, this last section means that all sorts of non-public information can be shared with anyone who Defendant wants.
44. The least sophisticated consumer could reasonably review this notice and believe the the private information such as employers and social security



1 information is permitted to be shared with companies who provide services to  
2 Asset, such as technical support providers. That sort of dissemination of  
3 information is not permitted under the FDCPA, irregardless of the Gramm-  
4 Leach-Bliley Act.

5 45. Many of the uses listed in this Privacy Notice are prohibited by the FDCPA  
6 and the Rosenthal Act, in that they are with persons other than “the consumer,  
7 his attorney, a consumer reporting agency if otherwise permitted by law, the  
8 creditor, the attorney of the creditor, or the attorney of the debt collector.”  
9 Actual disclosures of that nature would violate 15 U.S.C. § 1692c, as well as  
10 Cal. Civ. Code § 1788.17, and the statement that Defendant would make such  
11 disclosures, or has the right to do so, violates 15 U.S.C. § 1692e and 15  
12 U.S.C. § 1692e(5), as well as Cal. Civ. Code § 1788.17.

13 46. In addition, several of the listed uses in this Privacy Notice amount to the  
14 publication of lists of persons who have allegedly refused to pay debts, and  
15 either still have not paid or were ultimately induced to pay. The actual  
16 publication of such lists would violate 15 U.S.C. § 1692d, as well as Cal. Civ.  
17 Code § 1788.17, and the statement that Defendants will do so or has the right  
18 to do so violates 15 U.S.C. § 1692e, as well as Cal. Civ. Code § 1788.17.

19 47. For example, debt collectors have been known to sell lists of persons who  
20 have not paid their debts to issuers of subprime credit cards, who offer to  
21 issue a credit card if the consumer will put some or all of the unpaid debt on  
22 the credit card. Prospective lenders are not among the parties to whom a debt  
23 may be disclosed under 15 U.S.C. § 1692c.

24 48. This implication by Defendant is meant to persuade consumers to pay on their  
25 alleged debts in order to protect their private information.

26 49. This paragraph regarding protection of information contradicts the proceeding  
27 paragraphs in which the Defendants explain in broad terms that information  
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1 about the Plaintiff will be shared with third parties, not restricted to ONLY  
2 Defendant's employees who NEED the information.

3 50. Through this conduct, Defendants used a false, deceptive, or misleading  
4 representation or means in connection with the collection of a debt.  
5 Consequently, Defendants violated 15 U.S.C. § 1692e and 15 U.S.C. §  
6 1692e(10).

7 51. Because this violated certain portions of the federal Fair Debt Collection  
8 Practices Act as these portions are incorporated by reference in the Rosenthal  
9 Fair Debt Collection Practices Act, through California Civil Code § 1788.17,  
10 this conduct or omission violated Cal. Civ. Code § 1788.17.

11 52. Finally, the inclusion of erroneous statements in the notice claiming that  
12 information about the debtor can or will be disclosed to third parties provided  
13 with the collection letter amounts to an implicit threat that the debtor's privacy  
14 will be invaded if the debt is not paid, all in violation of the FDCPA and the  
15 Rosenthal Act.

16 53. Through this conduct, Defendants threatened to take action that cannot legally  
17 be taken or that is not intended to be taken. Consequently, Defendants  
18 violated 15 U.S.C. § 1692e(5).

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**CAUSES OF ACTION****COUNT I****FAIR DEBT COLLECTION PRACTICES ACT (FDCPA)****15 U.S.C. §§ 1692 ET SEQ.**

54. Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs.

55. The foregoing acts and omissions constitute numerous and multiple violations of the FDCPA, including but not limited to each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq.

56. As a result of each and every violation of the FDCPA, Plaintiff is entitled to any actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in an amount up to \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from Defendant.

**COUNT II****ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT (ROSENTHAL ACT)****CAL. CIV. CODE §§ 1788-1788.32**

57. Plaintiff repeats, re-alleges, and incorporates by reference, all other paragraphs.

58. The foregoing acts and omissions constitute numerous and multiple violations of the Rosenthal Act, including but not limited to each and every one of the above-cited provisions of the Rosenthal Act, Cal. Civ. Code §§ 1788-1788.32

59. As a result of each and every violation of the Rosenthal Act, Plaintiff is entitled to any actual damages pursuant to Cal. Civ. Code § 1788.30(a); statutory damages for a knowing or willful violation in the amount up to \$1,000.00 pursuant to Cal. Civ. Code § 1788.30(b); and reasonable attorney's fees and costs pursuant to Cal. Civ. Code § 1788.30(c) from Defendant.

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**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays that judgment be entered against Defendant, and Plaintiff be awarded damages from Defendant, as follows:

- An award of statutory damages of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A);
- An award of costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3);
- An award of statutory damages of \$1,000.00 pursuant to Cal. Civ. Code § 1788.30(b);
- An award of costs of litigation and reasonable attorney's fees, pursuant to Cal. Civ. Code § 1788.30(c).

60. Pursuant to the seventh amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Respectfully submitted,

**Hyde & Swigart**

Date: January 21, 2014

By: /s/Jessica R. K. Dorman  
Jessica R. K. Dorman  
Attorneys for Plaintiff

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

James Frommer

(b) County of Residence of First Listed Plaintiff San Diego  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Jessica R. K. Dorman (SBN: 279919); Robert L. Hyde (SBN: 227183)  
Hyde & Swigart (619) 233-7770  
2221 Camino Del Rio South, Suite 101, San Diego, CA 92108

**DEFENDANTS**

Asset Acceptance, LLC

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**'14CV0142 WQHWVG****II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other  <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act  <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157  <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark  <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
15 U.S.C. §§ 1692 et seq.

Brief description of cause:  
Violation of the Fair Debt Collection Practices Act

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

**DEMAND \$**  
2,000.00

CHECK YES only if demanded in complaint:

**JURY DEMAND:** ☒ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

01/21/2014

SIGNATURE OF ATTORNEY OF RECORD

s/Jessica R. K. Dorman

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

# INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

## Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
  - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
  - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

**Date and Attorney Signature.** Date and sign the civil cover sheet.